

busload of high school band students, together with certain parents and chaperones, to visit the Parthenon and other sites in Nashville. Defendant members of the Tennessee Highway Patrol arrested Newcomer on charges of driving under the influence of drugs and jailed him. While not at issue in this motion, this obviously had profound consequences for both plaintiffs in terms of adverse publicity, loss of income, embarrassment, humiliation, damage to reputation, loss of business, and other matters.

What is at issue for purposes of the proposed motion for partial summary judgment is the fact that tests performed by both a private lab in Nashville and *by the Tennessee Bureau of Investigation* itself established that Mr. Newcomer was not under the influence of drugs, alcohol, or any other substance. No countervailing evidence exists. This is further discussed in the proposed motion for partial summary judgment; statement of material facts; and accompanying exhibits.

It is respectfully submitted that a ruling by the Court on this crucial threshold issue will save unnecessary expenditure of time, money, and other resources on the part of both the parties and the Court.

Conclusion

For the above stated reasons, Plaintiffs should receive leave to file the attached motion for partial summary judgment in this matter.

Respectfully submitted,

/s/ Mary Leech

Mary Leech, #9534
4200 West End Avenue, Suite 308
P.O. Box 291564
Nashville, TN 37229-1564
(615) 545-4596
Fax: (615) 259-2524
mleech2009@gmail.com

Stephen Nunn, #9069
P.O. Box 150741
Nashville, TN 37215
(615) 584-0349
stephenunn@gmail.com

Attorneys for Plaintiffs

Certificate of Service

I hereby certify that a true and exact copy of the foregoing Motion for Leave to file Motion for Partial Summary Judgment has been served by the Court's electronic filing system to the following this 3rd day of August, 2018:

Meghan O. Murphy, Esquire
Thomas Aumann, Esquire
Office of Tennessee Attorney General
Civil Justice Section
P.O. Box 20207
Nashville, Tennessee 37202-0207

/s/Mary Leech